

So Ordered.



*Frederick P. Corbit*

Frederick P. Corbit  
Bankruptcy Judge

Dated: January 9th, 2014

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Plaintiff,

vs.

TYLER FOERSTNER,

Defendants.

DC Case No. CV-12-67-RMP

Case No. 09-06194-FPC11

Adversary No. 11-80110-FPC11

REPORT AND RECOMMENDATION  
RE: ORDER GRANTING MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT AGAINST DEFENDANT  
TYLER FOERSTNER

The Honorable Frederick P. Corbit, sitting in the United States Bankruptcy Court for the Eastern District of Washington, hereby files this Report and Recommendation regarding the plaintiff's Amended Motion for Partial Summary Judgment (ECF No. 71) filed with the bankruptcy court in this adversary proceeding.

This Report and Recommendation is made pursuant to the Honorable Rosanna Malouf Peterson's Order Withdrawing the Reference and Referring Back to

1 Bankruptcy Court for Further Proceedings (ECF No. 12) entered on April 25, 2012 in  
2 District Court Case No. CV-12-67-RMP.

3 On July 26, 2013, the plaintiff filed and served an Amended Motion for Partial  
4 Summary Judgment (ECF No. 71) directed at fixing amounts the defendant invested  
5 in the debtor and the amounts the defendant received from the debtor. The defendant  
6 failed to respond to the motion.

7 A hearing was held on the plaintiff's Amended Motion for Partial Summary  
8 Judgment on August 9, 2013 and the defendant failed to appear. The court granted the  
9 plaintiff's motion and a copy of said order is attached to this Report and  
10 Recommendation.

11 **Recommendation**

12 The District Court should grant the plaintiff's Amended Motion for Partial  
13 Summary Judgment as the defendant failed to file any response to the motion or appear  
14 at the scheduled hearing.

15 ///END OF REPORT AND RECOMMENDATION///  
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1 Thomas D. Cochran, WSBA No. 5910

2 Duane M. Swinton, WSBA No. 8354

3 Shelley N. Ripley, WSBA No. 28978

4 WITHERSPOON • KELLEY

422 W. Riverside, Suite 1100

Spokane, WA 99201

**Dated: September 24th, 2013**

Telephone: (509) 624-5265; Facsimile: (509) 458-2717



*Patricia C. Williams*

Patricia C. Williams  
Bankruptcy Judge

Attorneys to Bruce P. Kriegman, Chapter 11 Trustee

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC, *et al.*,<sup>1</sup>

Debtor.

Bankruptcy No. 09-06194-PCW11

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America LLC,

Plaintiff,

v.

TYLER FOERSTNER,

Defendant.

Adversary No. 11-80110-PCW11

**ORDER GRANTING MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
AGAINST DEFENDANT TYLER  
FOERSTNER RE: AMOUNTS PAID**

This matter came before the Court on August 9, 2013 for a status conference on Plaintiff's Motion for Summary Judgment as required by LBR 7056-1(c). The Defendant did not appear at the status conference and did not file any opposition to the Plaintiff's Motion for Partial Summary Judgment. The

<sup>1</sup> Please refer to the Substantive Consolidation Order (Docket No. 771) for a listing of the consolidated debtor-entities.



1 Defendant filed an answer in this case, but has taken no other action in this case.  
2  
3 Having reviewed the documents and pleadings in support of the Motion for Partial  
4 Summary Judgment, there being no opposition to the Motion for Partial Summary  
5 Judgment, no appearance by the Defendant at the status conference, and being  
6 duly advised in the premises,  
7

8 IT IS HEREBY ORDERED that the Plaintiff's Motion for Partial Summary  
9 Judgment is granted.  
10

11 // End of Order//

12 Presented by:

13  
14 WITHERSPOON • KELLEY

15 /s/ Daniel J. Gibbons  
16 Daniel J. Gibbons, WSBA No. 33036  
17 Attorneys for Plaintiff  
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